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| 09/512,592 | 02/23/2000 | Bruce M. Dickens | 2039-301 | 3314 |

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EXAMINER

HOMERE, JEAN RAYMOND

| ART UNIT | PAPER NUMBER |
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2177

39

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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Paper No. 39

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In re Reexamination of:)
U.S. Patent No. 5,806,063)
Reexamination Control No.)
90/005,592; 90/005,628;)
90/005,727; 90/006,541)
Reissue Serial No. 09/512,591)
For: DATE FORMATTING AND)
SORTING FOR DATES SPANNING)
THE TURN OF THE CENTURY)

**DECISION TO ACCEPT
PAPERS AS TIMELY FILED
AND NOTICE OF NON-
COMPLIANT AMENDMENT**

This is a decision accepting papers as timely filed and thereby preventing premature termination of this reexamination proceeding. A copy of the papers which Patent Owner seeks to have accepted was faxed to the undersigned on May 11, 2004. The submission is being treated as a petition to accept papers as timely filed.

The petition is **GRANTED**.

BACKGROUND

A Decision merging all the above-identified proceedings and setting a 1-month period for submitting a housekeeping amendment was mailed March 12, 2004. As of May 10, 2004 no response had been received. The undersigned called Patent Owner to inquire as to the status and was informed that a response had been submitted on April 12, 2003.

DECISION

Patent Owner provides a copy of the submission filed in response to the Office mailing of March 12, 2004, consisting of a Housekeeping Amendment, a Cover letter, Certificate of Service, and a certificate of mailing; a copy of the post card with a PTO stamp indicating receipt at the USPTO of the aforementioned submission on April 12, 2004¹; a copy of the U.S. Express Mail label, number ER567448678US;; and a statement by Bruce Dickens attesting that the papers submitted are copies of the response to the merger order of March 12, 2004.

The post card receipt is prima facie evidence of the receipt in the USPTO of the documents listed thereon. Accordingly, the papers are being entered in the file.

NONCOMPLIANCE OF THE HOUSEKEEPING AMENDMENT

1. Receipt is acknowledged of a housekeeping amendment filed on April 12, 2004.
2. The amendment is informal/nonresponsive because it fails to comply with 37 C.F.R. §1.121(j) and 37 C.F.R. §1.530(d) and (f). See 37 C.F.R. §1.121(j) wherein it is stated that 37 C.F.R. §1.121 does not apply to reexamination proceedings. Amendments must continue to be filed pursuant to 37 C.F.R. §1.530.
 - a. The amendment to the abstract does not include markings pursuant to paragraph (f) of 37 CFR §1.530 as required by 37 CFR §1.530(d)(1). Specifically, there is no underlining and/or bracketing with respect to the patent as issued².

¹ The PTO stamp carries the date granted on the date in field of the Express mail label.

² All references to "the patent as issued" include the certificate of correction of November 30, 1998.

b. The amendment to the specification does not include markings pursuant to paragraph (f) of 37 CFR §1.530 as required by 37 CFR §1.530(d)(1). Specifically, there is no underlining and/or bracketing with respect to the patent as issued.

c. The amendment to claim 10 does not include markings pursuant to paragraph (f) of 37 CFR §1.530 as required by 37 CFR §1.530(d)(2). Specifically, the claim should be presented with underlining and bracketing with respect to the issued patent.

d. Newly presented claims 16-75 must be underlined in their entirety as per 37 CFR §1.530(f)(2);

e. Further, presenting all claims is unnecessary. Presentation only of claims currently being amended or newly added, and directions to cancel claims currently to be canceled, suffices.

3. As amendments cannot be entered in part, *a substitute amendment is required.*

4. The undersigned recommends that the housekeeping amendment be made so as to incorporate into the '6541 proceeding all amendments to the original patent currently entered in the reissue application. This should be done by presenting the amendment with underlining and bracketing with respect to the issued patent. Any further amendments desired should be submitted as a separate amendment which can then be entered in each of the 5 files.

5. Patent Owner is given a **ONE MONTH** time period to file an amendment which complies with 37 C.F.R. §1.530. This time period may be extended **ONLY** pursuant to 37 C.F.R. §1.550(c). The newly filed amendment must be served on the third party Requesters, see 37 C.F.R. §1.550(f).

Any inquiries with respect to this communication may be directed to the undersigned.

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